

REMARKS

The present Amendment amends claim 1, cancels claims 2-28 and adds new claims 29-42. Therefore, the present application has pending claims 1 and 29-42.

Claims 1-4 stand rejected under 35 USC §102(e) as being anticipated by Cane (U.S. Patent No. 6,754,827); claim 26 stands rejected under 35 USC §102(e) as being anticipated by Ohran (U.S. Patent No. 6,397,307); claims 5-18, 20, 24, 25, 27 and 28 stand rejected under 35 USC §103(a) as being unpatentable over Cane in view of Ohran; claim 19 stands rejected under 35 USC §103(a) as being unpatentable over Cane in view of Ohran and further in view of Cannon (U.S. Patent No. 6,615,225); and claims 21-23 stand rejected under 35 USC §103(a) as being unpatentable over Cane in view of Ohran and further in view of Kanevski (U.S. Patent No. 6,496,949). As indicated above, claims 2-28 were canceled. Therefore, these rejections with respect to claims 2-28 are rendered moot. Therefore, reconsideration and withdrawal of the 35 USC §102(e) and 35 USC §103(a) rejections of claims 2-28 is respectfully requested.

With respect to the remaining claim 1, the 35 USC §102(e) rejection of claim 1 as being anticipated by Cane is traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claim 1 are not taught or suggested by Cane whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to claim 1 so as to more clearly describe that the present invention is directed to a computer system having a first storage system, a second storage system which is connected to the first storage system via a first communication channel, and a computer which is connected to the second storage system via a second communication channel.

According to the present invention, the first storage system sends encrypted data to the second storage system via the first communication channel and the second storage system receives the encrypted data from the first storage system and stores the encrypted data without decrypting. Further, according to the present invention, the computer reads out the encrypted data from the second storage system via the second communication channel based on a particular timing, decrypts the encrypted data and sends back decrypted data to the second storage system and the second storage system receives the decrypted data from the computer and stores the decrypted data therein.

Thus, the present invention allows for the encrypted data stored in the second storage system to be decrypted by a computer as needed at a timing which does not necessarily relate to the timing at which encrypted data is stored in the second storage system.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by Cane whether taken individually or in combination with any of the other references of record such as, for example, Ohran, Cannon and Kanevsky.

Cane discloses an information processing system which provides archive/backup support with privacy assurances by encrypting data stored therein. Cane specifically teaches that, for example, as illustrated in Fig. 1 thereof data to be archived from a source system 8 is transmitted over a transmission medium 26 and 28 so as to be copied into a long-term storage volume 36. Cane teaches that an archive transaction for a file stored at the source system includes encryption of the file on the source system using a secondary key, encryption of the secondary key on the source system using a master key and transmitting the encrypted file and the associated encryption key to the archive server which stores the encrypted file and the encrypted file key on the long-term storage. As taught in Cane, the master key, used to encrypt the secondary key, is retained on the source system.

However, at no point in Cane is there any teaching or suggestion that encrypted data is sent from the first storage system to the second storage system, that the second storage system stores the encrypted data without decrypting and that the computer reads out the encrypted data from the second storage system, decrypts the encrypted data and sends the decrypted data back to the second storage system for storage therein as in the present invention. There is no teaching or suggestion in Cane that a decryption process occurs at the archive server as per the present invention.

Thus, Cane fails to teach or suggest that the first storage system sends encrypted data to the second storage system via the first communication channel, that the second storage system receives the encrypted data from the first storage system and stores the encrypted data without decrypting, that the computer reads

out the encrypted data from the second storage system via the second communication channel based on a particular timing, decrypts the encrypted data and sends back decrypted data to the second storage system which receives the decrypted data and stores the decrypted therein as recited in the claims.

Therefore, based on the above, it is quite clear that the features of the present invention as now more clearly recited in the claims are not taught or suggested by Cane. Accordingly, reconsideration and withdrawal of the 35 USC §102(e) rejection of claim 1 as being anticipated by Cane is respectfully requested.

The above noted deficiencies of Cane are not supplied by any of the other references of record. Particularly, the above described deficiencies of Cane are not supplied by Ohran, Cannon, and Kanevsky whether taken individually or in combination with each other.

For example, Ohran simply discloses a remote copy system in which encryption and decryption of remote copy data occurs. However, Ohran does not teach or suggest that encrypted data is sent from the primary site to the remote site for storage therein and that the encrypted data is read from the remote site, decrypted by a computer and then stored back into the remote site as in the present invention as recited in the claims. These deficiencies of both Cane and Ohran also exist in each of the other references of record namely Cannon and Kanevsky. Accordingly, combining the teachings of Cane with one or more of Ohran, Cannon and Kanevsky still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

As indicated above, the present application adds new claims 29-42. New claims 29-42 recite many of the same features shown above not to be taught or suggested by any of the references of record whether taken individually or in combination with each other. Therefore, the same arguments presented above with respect to claim 1 apply as well to new claims 29-42.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-28.

In view of the foregoing amendments and remarks, applicants submit that claims 1 and 29-42 are in condition for allowance. Accordingly, early allowance of claims 1 and 29-42 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (501.39485X00).

Respectfully submitted,

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